

(18 U.S.C. § 922(g)(1))

The source of your deponent's information and the grounds for her belief are as follows:¹

I am a Task Force Officer with the Federal Bureau of Investigation ("FBI") and have been for approximately five years. I am currently assigned to the New York Metro Safe Streets Gang Task Force, where I investigate gangs, narcotics trafficking, firearms trafficking, robbery, kidnapping and other offenses. These investigations are conducted both overtly and covertly. I am also a Detective with the New York City Police Department ("NYPD") and have been so employed for approximately 19 years. Through my training, education and experience, I have become familiar with the manner in which narcotics distribution, robberies, firearms trafficking and other schemes are carried out, and the efforts of persons involved in such activity to avoid detection by law enforcement.

1. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation. Where I describe the statements of others, I am doing so only in sum and substance and in part.

2. On or about June 27, 2020, at approximately 1:24 a.m., a shooting took place near the vicinity of 410 Sutter Avenue in Brooklyn, N.Y. I have observed video surveillance leading up to and following the gunfight. The video shows that at some point a dark skinned male, wearing a multi colored button down shirt, which was unbuttoned, and

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

blue jeans and multi-colored sneakers, (the “Shooter”) pulled out a pistol and fired three gunshots at a crowd of people. The Shooter can be seen on the video with dark skin, and black short cropped hair.

3. After firing the shots, the Shooter is observed entering 410 Sutter Avenue, which was captured on surveillance videotape. I have reviewed that video, along with one Federal member of law enforcement (“Officer-1”) and observed the defendant CURTIS CONGRESS wearing the exact same clothing as in the Shooting video. Officer-1 is known to me and I have interviewed Officer-1, who is familiar with the defendant and his appearance. Officer-1 and I reviewed the surveillance footage taken from inside 410 Sutter Avenue, minutes after the shooting and have each determined that the “Shooter” is the defendant CURTIS CONGRESS. On the video from 410 Sutter Avenue, Officer-1 also identified a second male with CONGRESS who was CONGRESS’s federal co-defendant in CONGRESS’s prior case in the Eastern District of New York. That individual’s residence is 410 Sutter Avenue, Brooklyn.

4. Following the June 27, 2020 shooting at 410 Sutter Avenue in Brooklyn, New York, I have also reviewed the defendant CONGRESS’s social media accounts, and photographs posted on social media of CURTIS CONGRESS show him looking similar in appearance to the Shooter. I observed a video on CONGRESS’s Instagram account to be wearing what appears to be the same shirt and a photograph of what appears to be the same sneakers worn by the Shooter. I have therefore determined that the defendant CURTIS CONGRESS is the June 27, 2020 “Shooter.” I have reviewed the surveillance video, and the physical appearance of the Shooter depicted in the surveillance

video is consistent with the age, race, and appearance that law enforcement has on file for the defendant from a prior arrest.

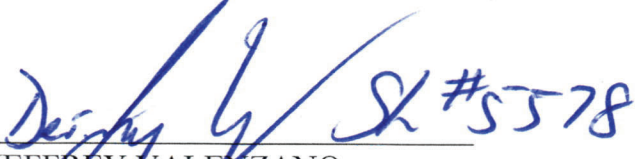
5. I have reviewed the defendant's criminal history, which revealed that on or about June 9, 2016, in Kings County Supreme Court, the defendant CURTIS CONGRESS was convicted of Criminal Possession of a Loaded firearm, in violation of N.Y.P.L. § 265.03, a class D felony, which I know to be a crime punishable by a term of one year or more, for which he was sentenced to 2-4 years on June 28, 2016. Additionally, on or about February 8, 2008, in the Kings County Supreme Court, the defendant was convicted of Criminal Possession of a Loaded firearm, in violation of N.Y.P.L. § 265.03, a class D felony, which I know to be a crime punishable by a term of one year or more, and he was sentenced in that Court on or about February 29, 2008 to 42 months' jail. Also on February 29, 2008 the defendant was convicted of Robbery in the Second Degree and sentenced that day to 42 months' concurrent jail time. Lastly, on or about April 26, 2016, in the United States District Court for the Eastern District of New York, the defendant was convicted of Conspiracy to commit fraud, for which he was sentenced to 48 months' jail. At the time of the June 27, 2020 shooting, the defendant CONGRESS was on federal supervised release as a result of that conviction and sentence.

6. I know from my training and experience, and online searches of law enforcement databases, that the three recovered ammunition cartridges were manufactured outside the state of New York.

7. I further request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant. Based upon my training and experience, I have learned that criminals actively

search for criminal affidavits and arrest warrants via the internet. Therefore, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence and change patterns of behavior.

WHEREFORE, your deponent respectfully requests an arrest warrant for the defendant CURTIS CONGRESS, so that he may be dealt with according to law.


JEFFREY VALENZANO
Task Force Officer
Federal Bureau of Investigation

Sworn to before me by telephone this
10th day of September, 2020



THE HONORABLE CHERYL L. POLLAK
CHIEF UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK